

AMENDED IN SENATE JUNE 16, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2776

**Introduced by Committee on Water, Parks and Wildlife (Huffman
(Chair), Arambula, Blumenfield, Caballero, Bonnie Lowenthal,
Salas, and Yamada)
(Coauthors: Assembly Members Tom Berryhill, Fletcher, and
Fuller)**

March 1, 2010

An act to amend Section 17516 of the Government Code, and to amend Sections 175, 182, 186, 1055, 1055.2, 1228.5, 1228.7, 1241, 1241.6, 1410, 1525, 1675, 1701.3, 1703.6, 1825, 13176, 13193, 13204, 13220, 13261, 13274, 13285, 13291, 13304.1, 13320, 13376, 13392, 13392.5, 13395.5, 13396.7, 13426, 13442, 13521, 13522, 13523, 13523.1, 13528, 13540, 13550, 13552.4, 13553, 13576, 13578, 13580.9, 13627, ~~and 13627.4~~ 13627.4, 13755, 13800, 13801, 13903, 13904, and 13952.1 of, to amend the headings of Article 1 (commencing with Section 13300) and Article 2 (commencing with Section 13320) of Chapter 5 of Division 7 of, to amend and renumber Section 13274 of, to add Section 13248 to, and to repeal Sections 1062 and 1241.5 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2776, as amended, Committee on Water, Parks and Wildlife. Water.

(1) Existing law establishes 9 California regional water quality control boards. Each regional board consists of 9 members who are appointed by the Governor and who serve 4-year terms.

This bill would extend the terms of 2 board members on each regional board, as specified, to September 30, 2014.

(2) Existing law requires that, prior to the indoor use of recycled water in a condominium project, the agency delivering the recycled water to the condominium project file a report with the regional board and receive written approval of the report from the State Department of Public Health.

This bill instead would require the agency to file the report with the State Department of Public Health.

(3) This bill would update cross-references in, and delete obsolete provisions of, the Water Code, and make various other technical or clarifying changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17516 of the Government Code is
2 amended to read:

3 17516. "Executive order" means an order, plan, requirement,
4 rule, or regulation issued by any of the following:

5 (a) The Governor.

6 (b) An officer or official serving at the pleasure of the Governor.

7 (c) An agency, department, board, or commission of state
8 government.

9 SEC. 2. Section 175 of the Water Code is amended to read:

10 175. (a) There is in the California Environmental Protection
11 Agency the State Water Resources Control Board consisting of
12 five members appointed by the Governor. One of the members
13 appointed shall be an attorney admitted to practice law in this state
14 who is qualified in the fields of water supply and water rights, one
15 shall be a registered civil engineer under the laws of this state who
16 is qualified in the fields of water supply and water rights, one shall
17 be a registered professional engineer under the laws of this state
18 who is experienced in sanitary engineering and who is qualified
19 in the field of water quality, and one shall be qualified in the field
20 of water quality. One of the above-appointed persons, in addition

1 to having the specified qualifications, shall be qualified in the field
2 of water supply and water quality relating to irrigated agriculture.
3 One member shall not be required to have specialized experience.

4 (b) Each member shall represent the state at large and not any
5 particular portion thereof and shall serve full time. The board shall,
6 to the extent possible, be composed of members from different
7 regions of the state. The appointments~~so~~ made by the Governor
8 shall be subject to confirmation by the Senate in accordance with
9 Article 2 (commencing with Section 1770) of Chapter 4 of Division
10 4 of Title 1 of the Government Code.

11 *SEC. 3. Section 182 of the Water Code is amended to read:*

12 182. The Governor shall designate the ~~chairman~~ chairperson
13 of the board from the membership of the board. The person so
14 designated shall hold the office of ~~chairman~~ chairperson at the
15 pleasure of the Governor. The board shall elect a vice ~~chairman~~
16 chairperson.

17 *SEC. 4. Section 186 of the Water Code is amended to read:*

18 186. (a) The board shall have any powers, and may employ
19 any legal counsel and other personnel and assistance, that may be
20 necessary or convenient for the exercise of its duties authorized
21 by law.

22 (b) For the purpose of administration, the board shall organize
23 itself, with the approval of the Governor, in the manner it deems
24 necessary properly to segregate and conduct the work of the board.
25 The work of the board shall be divided into at least two divisions,
26 known as the Division of Water Rights and the Division of Water
27 Quality. The board shall appoint a *deputy director or division chief*
28 ~~of for~~ each division, who shall supervise the work ~~thereof of the~~
29 *division* and act as technical adviser to the board on functions under
30 his or her jurisdiction.

31 (c) The Attorney General shall represent the board, or any
32 affected regional water quality control board, or both the board
33 and the regional board, and the state in litigation concerning affairs
34 of the board, or a regional board, or both, unless the Attorney
35 General represents another state agency that is a party to the action.
36 In that case, the Attorney General may represent the board, the
37 regional board, or both, with the written consent of the board and
38 the other state agency, the board may contract for the services of
39 private counsel to represent the board, the regional board, or both,
40 subject to Section 11040 of the Government Code, or the legal

1 counsel of the board may represent the board, the regional board,
2 or both. Sections 11041, 11042, and 11043 of the Government
3 Code are not applicable to the board. The legal counsel of the board
4 shall advise and furnish legal services, except representation in
5 litigation, to the regional boards upon their request.

6 *SEC. 5. Section 1055 of the Water Code is amended to read:*

7 1055. (a) The executive director of the board may issue a
8 complaint to any person or entity on which administrative civil
9 liability may be imposed pursuant to Section 1052, ~~Section 1536,~~
10 ~~Section 1845, or Section 5107.~~ The complaint shall allege the act
11 or failure to act that constitutes a trespass or violation, the provision
12 of law authorizing civil liability to be imposed, and the proposed
13 civil liability.

14 (b) The complaint shall be served by personal notice or certified
15 mail, and shall inform the party served that the party may request
16 a hearing not later than 20 days from the date the party was served.
17 The hearing shall be before *the board* or a member of the board
18 ~~as it may specify, in accordance with Section 183.~~

19 ~~(c) After any hearing, the member shall report a proposed~~
20 ~~decision and order to the board and shall supply a copy to the party~~
21 ~~served with the complaint, the board's executive director, and any~~
22 ~~other person requesting a copy. The member of the board acting~~
23 ~~as hearing officer may sit as a member of the board in deciding~~
24 ~~the matter. The board, after making an independent review of the~~
25 ~~record and taking any additional evidence as may be necessary~~
26 ~~that could not reasonably have been offered before the hearing~~
27 ~~officer, may adopt, with or without revision, the proposed decision~~
28 ~~and order.~~

29 *(c) The board, after a necessary hearing, may adopt an order*
30 *setting administrative civil liability, or determining that a liability*
31 *shall not be imposed.*

32 (d) Orders setting administrative civil liability shall become
33 effective and final upon issuance thereof and payment shall be
34 made.

35 ~~SEC. 3.~~

36 *SEC. 6. Section 1055.2 of the Water Code is amended to read:*

37 1055.2. A person or entity shall not be subject to both civil
38 liability imposed under Section 1055 and civil liability imposed
39 by the superior court under Section 1052 or 1845 for the same act
40 or failure to act.

1 ~~SEC. 4.~~

2 *SEC. 7.* Section 1062 of the Water Code is repealed.

3 ~~SEC. 5.~~

4 *SEC. 8.* Section 1228.5 of the Water Code is amended to read:

5 1228.5. (a) Registration of a small domestic or livestock
6 stockpond use pursuant to this article shall be renewed prior to the
7 expiration of each five-year period following completed
8 registration.

9 (b) Renewal of registration shall be made upon a form prescribed
10 by the board and shall contain a report of water use made pursuant
11 to the registration as may be required by the board.

12 (c) The conditions established by the board pursuant to Section
13 1228.6 that are in effect at the time of renewal of registration shall
14 supersede the conditions that were applicable to the original
15 completed registration.

16 (d) Failure to renew registration in substantial compliance with
17 the reporting requirements prescribed by the board within the time
18 period specified in subdivision (a), or to pay the renewal fee
19 specified in Section 1525, shall result by operation of law in the
20 revocation of any right acquired pursuant to this article.

21 ~~SEC. 6.~~

22 *SEC. 9.* Section 1228.7 of the Water Code is amended to read:

23 1228.7. (a) A registrant may change the point of diversion or
24 place of use by delivering to the board an amended registration
25 form in accordance with Section 1228.3, including payment of the
26 registration fee specified in Section 1525, except that the purpose
27 of the use shall not be changed and the change shall not operate
28 to the injury of any legal user of the water involved.

29 (b) A completed amended registration of water use continues
30 in effect the priority of right as of the date of the original completed
31 registration.

32 (c) All provisions of this article regarding appropriations made
33 pursuant thereto, including, but not limited to, provisions regarding
34 enforcement, are applicable to the appropriation as described in
35 the completed amended registration, except that the conditions
36 established by the board pursuant to Section 1228.6 that are in
37 effect at the time of completion of the amended registration shall
38 supersede the conditions that were applicable to the original
39 completed registration.

1 ~~SEC. 7.~~

2 *SEC. 10.* Section 1241 of the Water Code is amended to read:

3 1241. When the person entitled to the use of water fails to use
4 beneficially all or any part of the water claimed by him or her, for
5 which a right of use has vested, for the purpose for which it was
6 appropriated or adjudicated, for a period of five years, that unused
7 water may revert to the public and shall, if reverted, be regarded
8 as unappropriated public water. That reversion shall occur upon a
9 finding by the board following notice to the permittee, licensee,
10 or person holding a livestock stockpond certificate or small
11 domestic or livestock stockpond use registration under this part
12 and a public hearing if requested by the permittee, licensee, ~~or~~
13 ~~certificate~~ *certificate holder*, or registration holder.

14 ~~SEC. 8.~~

15 *SEC. 11.* Section 1241.5 of the Water Code is repealed.

16 ~~SEC. 9.~~

17 *SEC. 12.* Section 1241.6 of the Water Code is amended to read:

18 1241.6. When water appropriated for irrigation purposes is not
19 used by reason of compliance with crop control or soil conservation
20 contracts with the United States, and in other cases of hardship as
21 the board may by rule prescribe, the five-year forfeiture period
22 applicable to water appropriated pursuant to the Water Commission
23 Act or this code, and the forfeiture period applicable to water
24 appropriated prior to December 19, 1914, shall be extended by an
25 additional period of not more than 10 years or the duration of any
26 crop control or soil conservation contracts with the United States
27 if less than 10 years.

28 ~~SEC. 10.~~

29 *SEC. 13.* Section 1410 of the Water Code is amended to read:

30 1410. (a) There shall be cause for revocation of a permit if the
31 work is not commenced, prosecuted with due diligence, and
32 completed or the water applied to beneficial use as contemplated
33 in the permit and in accordance with this division and the rules
34 and regulations of the board.

35 (b) A permit may be revoked upon request of the permittee or
36 under either of the following procedures:

37 (1) If, after a hearing on a petition for extension of time to
38 complete a project and apply water to beneficial use, the board
39 finds that cause exists to revoke the permit, the board may revoke
40 the permit.

(2) If, after an investigation other than a hearing on a petition for extension of time, it appears that cause exists to revoke a permit, the board shall give notice of proposed revocation in writing, mailed in a sealed, prepaid postage and certified letter to the permittee at his or her last known address. If the permittee fails to request a hearing with the time provided under Section 1410.1, the board shall revoke the permit and declare the water subject to appropriation. After a hearing, when a hearing is requested by the permittee pursuant to Section 1410.1, the board may, upon a finding that cause exists, revoke the permit and declare the water subject to appropriation.

SEC. 14. Section 1525 of the Water Code is amended to read:

1525. (a) Each person or entity ~~who~~ *that* holds a permit or license to appropriate water, and each lessor of water leased under Chapter 1.5 (commencing with Section 1020) of Part 1, shall pay an annual fee according to a fee schedule established by the board.

(b) Each person or entity ~~who~~ *that* files any of the following shall pay a fee according to a fee schedule established by the board:

(1) An application for a permit to appropriate water.

(2) A registration of appropriation for a small domestic use or livestock stockpond use.

(3) A petition for an extension of time within which to begin construction, to complete construction, or to apply the water to full beneficial use under a permit.

(4) A petition to change the point of diversion, place of use, or purpose of use, under a permit or license.

(5) A petition to change the conditions of a permit or license, requested by the permittee or licensee, that is not otherwise subject to paragraph (3) or (4).

(6) A petition to change the point of discharge, place of use, or purpose of use, of treated wastewater, requested pursuant to Section 1211.

(7) An application for approval of a water lease agreement.

(8) A request for release from priority pursuant to Section 10504.

(9) An application for an assignment of a state-filed application pursuant to Section 10504.

(c) The board shall set the fee schedule authorized by this section so that the total amount of fees collected pursuant to this section equals that amount necessary to recover costs incurred in connection with the issuance, administration, review, monitoring,

1 and enforcement of permits, licenses, certificates, and registrations
2 to appropriate water, water leases, and orders approving changes
3 in point of discharge, place of use, or purpose of use of treated
4 wastewater. The board may include, as recoverable costs, but is
5 not limited to including, the costs incurred in reviewing
6 applications, registrations, petitions, and requests, prescribing
7 terms of permits, licenses, registrations, and change orders,
8 enforcing and evaluating compliance with permits, licenses,
9 certificates, registrations, change orders, and water leases,
10 inspection, monitoring, planning, modeling, reviewing documents
11 prepared for the purpose of regulating the diversion and use of
12 water, applying and enforcing the prohibition set forth in Section
13 1052 against the unauthorized diversion or use of water subject to
14 this division, and the administrative costs incurred in connection
15 with carrying out these actions.

16 (d) (1) The board shall adopt the schedule of fees authorized
17 under this section as emergency regulations in accordance with
18 Section 1530.

19 (2) For filings subject to subdivision (b), the schedule may
20 provide for a single filing fee or for an initial filing fee followed
21 by an annual fee, as appropriate to the type of filing involved, and
22 may include supplemental fees for filings that have already been
23 made but have not yet been acted upon by the board at the time
24 the schedule of fees takes effect.

25 (3) The board shall set the amount of total revenue collected
26 each year through the fees authorized by this section at an amount
27 equal to ~~the revenue levels set forth in the annual Budget Act for~~
28 ~~this activity~~ *the amounts appropriated by the Legislature for*
29 *expenditure for support of water rights program activities from*
30 *the Water Rights Fund established under Section 1550, taking into*
31 *account the reserves in the Water Rights Fund.* The board shall
32 review and revise the fees each fiscal year as necessary to conform
33 with ~~the revenue levels set forth in the annual Budget Act~~ *amounts*
34 *appropriated.* If the board determines that the revenue collected
35 during the preceding year ~~years~~ was greater than, or less than, the
36 ~~revenue levels set forth in the annual Budget Act~~ *amounts*
37 *appropriated,* the board may further adjust the annual fees to
38 compensate for the over or under collection of revenue.

39 (e) Annual fees imposed pursuant to this section for the 2003–04
40 fiscal year shall be assessed for the entire 2003–04 fiscal year.

~~SEC. 11.~~

SEC. 15. Section 1675 of the Water Code is amended to read:

1675. (a) If, at any time after a license is issued, the board finds that the licensee has not put the water granted under the license to a useful or beneficial purpose in conformity with this division or that the licensee has ceased to put the water to that useful or beneficial purpose, or that the licensee has failed to observe any of the terms and conditions in the license, the board may revoke the license and declare the water to be subject to appropriation in accordance with this part.

(b) The board may revoke the license upon request of the licensee or after due notice to the licensee and after a hearing, when a hearing is requested by the licensee pursuant to Section 1675.1.

(c) As used in this section “licensee” includes the heirs, successors, or assigns of the licensee.

~~SEC. 12.~~

SEC. 16. Section 1701.3 of the Water Code is amended to read:

1701.3. (a) After a petition is filed, the board may request additional information reasonably necessary to clarify, amplify, correct, or otherwise supplement the information required to be submitted under this chapter. The board shall provide a reasonable period for submitting the information.

(b) The additional information may include, but need not be limited to, any of the following:

(1) Information needed to demonstrate that the change will not injure any other legal user of water.

(2) Information needed to demonstrate that the change will comply with any applicable requirements of the Fish and Game Code or the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).

(3) Information needed to comply with Division 13 (commencing with Section 21000) of the Public Resources Code.

SEC. 17. Section 1703.6 of the Water Code is amended to read:

1703.6. (a) The board may cancel a protest or petition for failure to provide information requested by the board under this ~~article~~ chapter within the period provided.

(b) Except as provided in subdivisions (c) and (d), the board ~~may~~ shall not cancel a protest for failure to submit information not in the possession or under the control of the protestant if the

1 protest meets the requirements of Section 1703.2 and the petitioner
2 is or could be required to submit the information under Section
3 1701.1, 1701.2, ~~and~~ or 1701.3.

4 (c) If a protest is based on injury to a legal user of water, the
5 board may cancel the protest if the protestant fails to submit any
6 of the following information requested by the board:

7 (1) Information that the protestant is required to submit to the
8 board to comply with Part 5.1 (commencing with Section 5100)
9 during any period after the protest is filed.

10 (2) Information that is reasonably necessary to determine if the
11 protestant ~~has a valid water right~~ *is a legal user of water*.

12 (3) Information concerning the protestant's historical, current,
13 or proposed future diversion and use of water that is reasonably
14 necessary to determine if the proposed change will result in injury
15 to the protestant's exercise of its water right *or other legal use of*
16 *water*.

17 (d) If the protest is based on an allegation other than injury to
18 a legal user of water, the board may cancel the protest for failure
19 to submit information requested by the board if the board
20 determines both of the following:

21 (1) The public review period has expired for any draft
22 environmental document or negative declaration required to be
23 circulated for public review and comment pursuant to Division 13
24 (commencing with Section 21000) of the Public Resources Code.

25 (2) In the absence of the requested information, there is no
26 substantial evidence in light of the whole record to support the
27 allegation.

28 (e) If a protest is subject to both subdivisions (c) and (d), the
29 part of the protest subject to subdivision (c) may be canceled
30 pursuant to subdivision (c) and the part of the protest subject to
31 subdivision (d) may be canceled pursuant to subdivision (d).

32 ~~SEC. 13.~~

33 *SEC. 18.* Section 1825 of the Water Code is amended to read:

34 1825. It is the intent of the Legislature that the state should
35 take vigorous action to enforce the terms and conditions of permits,
36 licenses, certifications, and registrations to appropriate water, to
37 enforce state board orders and decisions, and to prevent the
38 unlawful diversion of water.

39 *SEC. 19.* *Section 13176 of the Water Code is amended to read:*

1 13176. (a) The analysis of any material required by this
2 division shall be performed by a laboratory that has accreditation
3 or certification pursuant to Article 3 (commencing with Section
4 100825) of Chapter 4 of Part 1 of Division 101 of the Health and
5 Safety Code.

6 (b) ~~No~~A person or public entity of the state shall *not* contract
7 with a laboratory for environmental analyses for which the State
8 Department of ~~Health Services~~ *Public Health* requires accreditation
9 or certification pursuant to this chapter, unless the laboratory holds
10 a valid certification or accreditation.

11 *SEC. 20. Section 13193 of the Water Code is amended to read:*

12 13193. (a) As used in this section, the following terms have
13 the following meanings:

14 (1) “Collection system owner or operator” means the public or
15 private entity having legal authority over the operation and
16 maintenance of, or capital improvements to, the sewer collection
17 system.

18 (2) “GIS” means Geographic Information System.

19 (b) On or before January 1 of a year in which the Legislature
20 has appropriated sufficient funds for this purpose, the state board,
21 in consultation with representatives of cities, counties, cities and
22 counties, special districts, public interest groups, the State
23 Department of ~~Health Services~~ *Public Health*, and the regional
24 boards shall develop a uniform overflow event report form to be
25 used for reporting of sanitary sewer system overflows as required
26 in subdivision (c). This event report form shall include, but not be
27 limited to, all of the following:

28 (1) The cause of the overflow. The cause shall be specifically
29 identified, unless there is an ongoing investigation, in which case
30 it shall be identified immediately after completion of the
31 investigation. The cause shall be identified, at a minimum, as
32 blockage, infrastructure failure, pump station failure, significant
33 wet weather event, natural disaster, or other cause, which shall be
34 specifically identified. If the cause is identified as a blockage, the
35 type of blockage shall be identified, at a minimum, as roots, grease,
36 debris, vandalism, or multiple causes of which each should be
37 identified. If the cause is identified as infrastructure, it shall be
38 determined, at a minimum, whether the infrastructure failure was
39 due to leaks, damage to, or breakage of, collection system piping
40 or insufficient capacity. If the cause is identified as a significant

1 wet weather event or natural disaster, the report shall describe both
2 the event and how it resulted in the overflow. If the precise cause
3 cannot be identified after investigation, the report shall include a
4 narrative explanation describing the investigation conducted and
5 providing the information known about the possible causes of the
6 overflow.

7 (2) An estimate of the volume of the overflow event.

8 (3) Location of the overflow event. Sufficient information shall
9 be provided to determine location for purposes of GIS mapping,
10 such as specific street address or the latitude and longitude of the
11 event.

12 (4) Date, time, and duration of the overflow event.

13 (5) Whether or not the overflow reached or may have reached
14 waters of the state.

15 (6) Whether or not a beach closure occurred or may have
16 occurred as a result of the overflow.

17 (7) The response and corrective action taken.

18 (8) Whether or not there is an ongoing investigation, the reasons
19 for it and expected date of completion.

20 (9) The name, address, and telephone number of the reporting
21 collection system owner or operator and a specific contact name.

22 (c) Commencing on July 1 of a year in which the Legislature
23 has appropriated sufficient funds for this purpose, in the event of
24 a spill or overflow from a sanitary sewer system that is subject to
25 the notification requirements set forth in Section 13271, the
26 applicable collection system owner or operator, in addition to
27 immediate reporting duties pursuant to Section 13271, shall submit
28 to the appropriate regional board, within 30 days of the date of
29 becoming aware of the overflow event, a report using the form
30 described in subdivision (b). The report shall be filed electronically,
31 if possible, or by fax or mail if electronic submission is not
32 possible.

33 (d) (1) Commencing on July 1 of a year in which the Legislature
34 has appropriated sufficient funds for this purpose, in the event of
35 a spill or overflow from a sanitary sewer system that is not subject
36 to the reporting requirements set forth in Section 13271 that is
37 either found by the State Department of ~~Health Services~~ *Public*
38 *Health* or any local health officer to result in contamination
39 pursuant to Section 5412 of the Health and Safety Code, or is found
40 by the State Department of ~~Health Services~~ *Public Health* to result

1 in pollution or nuisance pursuant to Section 5413 of the Health
2 and Safety Code, the agency making the determination shall submit
3 to the appropriate regional board, within 30 days of making the
4 determination, a report that shall include, at a minimum, the
5 following information:

6 (A) Date, time, and approximate duration of the overflow event.

7 (B) An estimate of the volume of the overflow event.

8 (C) Location of the overflow event.

9 (D) A description of the response or corrective action taken by
10 the agency making the determination.

11 (E) The name, address, and telephone number of the reporting
12 collection system owner or operator, and a specific contact name.

13 (2) The report shall be filed electronically, if possible, or by fax
14 or mail if electronic submission is not possible.

15 (e) Before January 1 of a year in which the Legislature has
16 appropriated sufficient funds for this purpose, the state board, in
17 consultation with representatives of cities, counties, cities and
18 counties, and special districts, public interest groups, the State
19 Department of ~~Health Services~~ *Public Health*, and regional boards,
20 shall develop and maintain a sanitary sewer system overflow
21 database that, at a minimum, contains the parameters described in
22 subdivisions (b) and (d).

23 (f) Commencing on July 1 of a year in which the Legislature
24 has appropriated sufficient funds for this purpose, each regional
25 board shall coordinate with collection system owners or operators,
26 the State Department of ~~Health Services~~ *Public Health*, and local
27 health officers to compile the reports submitted pursuant to
28 subdivisions (c) and (d). Each regional board shall report that
29 information to the state board on a quarterly basis, to be included
30 in the sanitary sewer system overflow database.

31 (g) The state board shall make available to the public, by
32 Internet and other cost-effective means, as determined by the state
33 board, information that is generated pursuant to this section. In a
34 year in which the Legislature has appropriated sufficient funds for
35 the purposes described in this subdivision, the state board shall
36 prepare a summary report of the information collected in the
37 sanitary sewer system overflow database, and make it available to
38 the general public through the Internet and other cost-effective
39 means, as determined by the state board. To the extent resources

1 and the data allow, this report shall include GIS maps compiling
2 coastal overflow events.

3 *SEC. 21. Section 13204 of the Water Code is amended to read:*

4 13204. Each regional board shall hold at least six regular
5 meetings each calendar year and such additional special meetings
6 or hearings as shall be called by the ~~chairman~~ chairperson or any
7 two members of the regional board.

8 *SEC. 22. Section 13220 of the Water Code is amended to read:*

9 13220. Each regional board shall do all of the following:

10 (a) Establish an office.

11 (b) Select one of its members as ~~chairman~~ chairperson at the
12 first regular meeting held each year.

13 (c) Appoint as its confidential employee, *who may be exempt*
14 *from civil service under Section 4 of Article VII of the California*
15 *Constitution, and fix the salary of, an executive officer who shall*
16 *meet technical qualifications as defined by the* ~~State Water~~
17 ~~Resources Control Board~~ *state board*. The executive officer shall
18 serve at the pleasure of the regional board.

19 (d) Employ any other assistants which may be determined
20 necessary to assist the executive officer.

21 ~~SEC. 14.~~

22 *SEC. 23. Section 13248 is added to the Water Code, to read:*

23 13248. (a) At any time, the state board may, on its own motion,
24 review the regional board's ~~action or~~ failure to act under this article.

25 (b) The state board may find that the action of the regional
26 board, or the failure of the regional board to act, was appropriate
27 and proper. Upon finding that the action of the regional board, or
28 the failure of the regional board to act, was inappropriate or
29 improper, the state board may direct that appropriate action be
30 taken by the regional board, refer the matter to another state agency
31 having jurisdiction, take appropriate action itself, or take any
32 combination of those actions. In taking any action, the state board
33 is vested with all the powers of the regional boards under this
34 division.

35 ~~SEC. 15.~~

36 *SEC. 24. Section 13261 of the Water Code is amended to read:*

37 13261. (a) A person who fails to furnish a report or pay a fee
38 under Section 13260 when so requested by a regional board is
39 guilty of a misdemeanor and may be liable civilly in accordance
40 with subdivision (b).

(b) (1) Civil liability may be administratively imposed by a regional board or the state board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount not exceeding one thousand dollars (\$1,000) for each day in which the violation occurs. Civil liability shall not be imposed by the regional board pursuant to this section if the state board has imposed liability against the same person for the same violation.

(2) Civil liability may be imposed by the superior court in accordance with Article 5 (commencing with Section 13350) and Article 6 (commencing with Section 13360) of Chapter 5 for a violation of subdivision (a) in an amount not exceeding five thousand dollars (\$5,000) for each day the violation occurs.

(c) A person who discharges or proposes to discharge hazardous waste, as defined in Section 25117 of the Health and Safety Code, who knowingly furnishes a false report under Section 13260, or who either willfully fails to furnish a report or willfully withholds material information under Section 13260 despite actual knowledge of that requirement, may be liable in accordance with subdivision (d) and is guilty of a misdemeanor.

This subdivision does not apply to any waste discharge that is subject to Chapter 5.5 (commencing with Section 13370).

(d) (1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (c) in an amount not exceeding five thousand dollars (\$5,000) for each day the violation occurs.

(2) Civil liability may be imposed by the superior court in accordance with Article 5 (commencing with Section 13350) and Article 6 (commencing with Section 13360) of Chapter 5 for a violation of subdivision (c) in an amount not exceeding twenty-five thousand dollars (\$25,000).

SEC. 25. Section 13274 of the Water Code, as amended by Section 162 of Chapter 485 of the Statutes of 1998, is amended to read:

13274. (a) (1) The state board or a regional board, upon receipt of applications for waste discharge requirements for discharges of dewatered, treated, or chemically fixed sewage sludge and other biological solids, shall prescribe general waste discharge requirements for that sludge and those other solids. General waste

1 discharge requirements shall replace individual waste discharge
2 requirements for sewage sludge and other biological solids, and
3 their prescription shall be considered to be a ministerial action.

4 (2) The general waste discharge requirements shall set minimum
5 standards for agronomic applications of sewage sludge and other
6 biological solids and the use of that sludge and those other solids
7 as a soil amendment or fertilizer in agriculture, forestry, and surface
8 mining reclamation, and may permit the transportation of that
9 sludge and those other solids and the use of that sludge and those
10 other solids at more than one site. The requirements shall include
11 provisions to mitigate significant environmental impacts, potential
12 soil erosion, odors, the degradation of surface water quality or fish
13 or wildlife habitat, the accidental release of hazardous substances,
14 and any potential hazard to the public health or safety.

15 (b) The state board or a regional board, in prescribing general
16 waste discharge requirements pursuant to this section, shall comply
17 with Division 13 (commencing with Section 21000) of the Public
18 Resources Code and guidelines adopted pursuant to that division,
19 and shall consult with the State Air Resources Board, the
20 Department of Food and Agriculture, and the ~~California Integrated~~
21 ~~Waste Management Board~~ *Department of Resources Recycling*
22 *and Recovery*.

23 (c) The state board or a regional board may charge a reasonable
24 fee to cover the costs incurred by the board in the administration
25 of the application process relating to the general waste discharge
26 requirements prescribed pursuant to this section.

27 (d) Notwithstanding any other ~~provision of~~ law, except as
28 specified in subdivisions (f) to (i), inclusive, general waste
29 discharge requirements prescribed by a regional board pursuant
30 to this section supersede regulations adopted by any other state
31 agency to regulate sewage sludge and other biological solids
32 applied directly to agricultural lands at agronomic rates.

33 (e) The state board or a regional board shall review general
34 waste discharge requirements for possible amendment upon the
35 request of any state agency, including, but not limited to, the
36 Department of Food and Agriculture and the State Department of
37 ~~Health Services~~ *Public Health*, if the board determines that the
38 request is based on new information.

39 (f) ~~Nothing in this~~ *This* section is *not* intended to affect the
40 jurisdiction of the ~~California Integrated Waste Management Board~~

1 *Department of Resources Recycling and Recovery* to regulate the
2 handling of sewage sludge or other biological solids for
3 composting, deposit in a landfill, or other use.

4 (g) ~~Nothing in this~~ *This* section is *not* intended to affect the
5 jurisdiction of the State Air Resources Board or an air pollution
6 control district or air quality management district to regulate the
7 handling of sewage sludge or other biological solids for
8 incineration.

9 (h) ~~Nothing in this~~ *This* section is *not* intended to affect the
10 jurisdiction of the Department of Food and Agriculture in enforcing
11 Sections 14591 and 14631 of the Food and Agricultural Code and
12 any regulations adopted pursuant to those sections, regarding the
13 handling of sewage sludge and other biological solids sold or used
14 as fertilizer or as a soil amendment.

15 (i) ~~Nothing in this~~ *This* section ~~restricts~~ *does not restrict* the
16 authority of a local government agency to regulate the application
17 of sewage sludge and other biological solids to land within the
18 jurisdiction of that agency, including, but not limited to, the
19 planning authority of the Delta Protection Commission, the
20 resource management plan of which is required to be implemented
21 by local government general plans.

22 ~~SEC. 16.~~

23 *SEC. 26.* Section 13274 of the Water Code, as added by
24 Section 13 of Chapter 814 of the Statutes of 1997, is amended and
25 renumbered to read:

26 13275. (a) Notwithstanding any other law, a public water
27 system regulated by the State Department of Public Health shall
28 have the same legal rights and remedies against a responsible party,
29 when the water supply used by that public water system is
30 contaminated, as those of a private land owner whose groundwater
31 has been contaminated.

32 (b) For purposes of this section, “responsible party” has the
33 same meaning as defined in Section 25323.5 of the Health and
34 Safety Code.

35 *SEC. 27. Section 13285 of the Water Code is amended to read:*

36 13285. (a) Any discharge from a storage tank, pipeline, or
37 other container of methyl tertiary-butyl ether (MTBE), or of any
38 pollutant that contains MTBE, that poses a threat to drinking water,
39 or to groundwater or surface water that may reasonably be used
40 for drinking water, or to coastal waters shall be cleaned up to a

1 level consistent with subdivisions (a) and (b) of Section 25296.10
2 of the Health and Safety Code.

3 (b) (1) ~~No~~A public water system, or its customers, shall *not* be
4 responsible for remediation or treatment costs associated with
5 MTBE, or a product that contains MTBE. However, the public
6 water system may, as necessary, incur MTBE remediation and
7 treatment costs and include those costs in its customer rates and
8 charges that are necessary to comply with drinking water standards
9 or directives of the State Department of ~~Health Services~~ *Public*
10 *Health* or other lawful authority. Any public water system that
11 incurs MTBE remediation or treatment costs may seek recovery
12 of those costs from parties responsible for the MTBE
13 contamination, or from other available alternative sources of funds.

14 (2) If the public water system has included the costs of MTBE
15 treatment and remediation in its customer rates and charges, and
16 subsequently recovers all, or a portion of, its MTBE treatment and
17 remediation costs from responsible parties or other available
18 alternative sources of funds, it shall make an adjustment to its
19 schedule of rates and charges to reflect the amount of funding
20 received from responsible parties or other available alternative
21 sources of funds for MTBE treatment or remediation.

22 (3) Paragraph (1) shall not prevent the imposition of liability
23 on any person for the discharge of MTBE if that liability is due to
24 the conduct or status of that person independently of whether the
25 person happens to be a customer of the public water system.

26 *SEC. 28. Section 13291 of the Water Code is amended to read:*

27 13291. (a) On or before January 1, 2004, the state board, in
28 consultation with the State Department of ~~Health Services~~ *Public*
29 *Health*, the California Coastal Commission, the California
30 Conference of Directors of Environmental Health, counties, cities,
31 and other interested parties, shall adopt regulations or standards
32 for the permitting and operation of all of the following onsite
33 sewage treatment systems in the state and shall apply those
34 regulations or standards commencing six months after their
35 adoptions:

36 (1) Any system that is constructed or replaced.

37 (2) Any system that is subject to a major repair.

38 (3) Any system that pools or discharges to the surface.

39 (4) Any system that, in the judgment of a regional board or
40 authorized local agency, discharges waste that has the reasonable

1 potential to cause a violation of water quality objectives, or to
2 impair present or future beneficial uses of water, to cause pollution,
3 nuisance, or contamination of the waters of the state.

4 (b) Regulations or standards adopted pursuant to subdivision
5 (a), shall include, but shall not be limited to, all of the following:

6 (1) Minimum operating requirements that may include siting,
7 construction, and performance requirements.

8 (2) Requirements for onsite sewage treatment systems adjacent
9 to impaired waters identified pursuant to subdivision (d) of Section
10 303 of the Clean Water Act (33 U.S.C. Sec. 1313(d)).

11 (3) Requirements authorizing a qualified local agency to
12 implement those requirements adopted under this chapter within
13 its jurisdiction if that local agency requests that authorization.

14 (4) Requirements for corrective action when onsite sewage
15 treatment systems fail to meet the requirements or standards.

16 (5) Minimum requirements for monitoring used to determine
17 system or systems performance, if applicable.

18 (6) Exemption criteria to be established by regional boards.

19 (7) Requirements for determining a system that is subject to a
20 major repair, as provided in paragraph (2) of subdivision (a).

21 (c) This chapter does not diminish or otherwise affect the
22 authority of a local agency to carry out laws, other than this chapter,
23 that relate to onsite sewage treatment systems.

24 (d) This chapter does not preempt any regional board or local
25 agency from adopting or retaining standards for onsite sewage
26 treatment systems that are more protective of the public health or
27 the environment than this chapter.

28 (e) Each regional board shall incorporate the regulations or
29 standards adopted pursuant to subdivisions (a) and (b) into the
30 appropriate regional water quality control plans.

31 ~~SEC. 17.~~

32 *SEC. 29.* The heading of Article 1 (commencing with Section
33 13300) of Chapter 5 of Division 7 of the Water Code is amended
34 to read:

35
36 Article 1. Administrative Enforcement and Remedies

37
38 *SEC. 30.* Section 13304.1 of the Water Code is amended to
39 read:

1 13304.1. (a) A groundwater cleanup system that commences
2 operation on or after January 1, 2002, and that is required to obtain
3 a discharge permit from the regional board pursuant to the regional
4 board's jurisdiction, and that discharges treated groundwater to
5 surface water or groundwater, shall treat the groundwater to
6 standards approved by the regional board, consistent with this
7 division and taking into account the beneficial uses of the receiving
8 water and the location of the discharge and the method by which
9 the discharge takes place.

10 (b) In making its determination of the applicable water quality
11 standards to be achieved by the operator of a groundwater cleanup
12 system that commences operation on or after January 1, 2002, that
13 draws groundwater from an aquifer that is currently being used,
14 or has been used at any time since 1979 as a source of drinking
15 water supply by the owner or operator of a public water system,
16 and that discharges treated groundwater to surface water or
17 groundwater from which a public water system draws drinking
18 water, the regional board shall consult with the affected
19 groundwater management entity, if any, affected public water
20 systems, and the State Department of ~~Health Services~~ *Public Health*
21 to ensure that the discharge, spreading, or injection of the treated
22 groundwater will not adversely affect the beneficial uses of any
23 groundwater basin or surface water body that is or may be used
24 by a public water system for the provision of drinking water.

25 ~~SEC. 18.~~

26 *SEC. 31.* The heading of Article 2 (commencing with Section
27 13320) of Chapter 5 of Division 7 of the Water Code is amended
28 to read:

29
30 Article 2. Administrative Review by the State Board

31
32 ~~SEC. 19.~~

33 *SEC. 32.* Section 13320 of the Water Code is amended to read:
34 13320. (a) Within 30 days of any action or failure to act by a
35 regional board under subdivision (c) of Section 13225, Article 4
36 (commencing with Section 13260) of Chapter 4, Chapter 5
37 (commencing with Section 13300), Chapter 5.5 (commencing with
38 Section 13370), Chapter 5.9 (commencing with Section 13399.25),
39 or Chapter 7 (commencing with Section 13500), an aggrieved
40 person may petition the state board to review that action or failure

1 to act. In case of a failure to act, the 30-day period shall commence
2 upon the refusal of the regional board to act, or 60 days after
3 request has been made to the regional board to act. The state board
4 may, on its own motion, at any time, review the regional board's
5 action or failure to act.

6 (b) The evidence before the state board shall consist of the
7 record before the regional board, and any other relevant evidence
8 which, in the judgment of the state board, should be considered to
9 effectuate and implement the policies of this division.

10 (c) The state board may find that the action of the regional board,
11 or the failure of the regional board to act, was appropriate and
12 proper. Upon finding that the action of the regional board, or the
13 failure of the regional board to act, was inappropriate or improper,
14 the state board may direct that the appropriate action be taken by
15 the regional board, refer the matter to another state agency having
16 jurisdiction, take the appropriate action itself, or take any
17 combination of those actions. In taking any action, the state board
18 is vested with all the powers of the regional boards under this
19 division.

20 (d) If a waste discharge in one region affects the waters in
21 another region and there is any disagreement between the regional
22 boards involved as to the requirements that should be established,
23 either regional board may submit the disagreement to the state
24 board that shall determine the applicable requirements.

25 (e) If a petition for state board review of a regional board action
26 on waste discharge requirements includes a request for a stay of
27 the waste discharge requirements, the state board shall act on the
28 requested stay portion of the petition within 60 days of accepting
29 the petition. The board may order any stay to be in effect from the
30 effective date of the waste discharge requirements.

31 ~~SEC. 20.~~

32 *SEC. 33.* Section 13376 of the Water Code is amended to read:

33 13376. A person who discharges pollutants or proposes to
34 discharge pollutants to the navigable waters of the United States
35 within the jurisdiction of this state or a person who discharges
36 dredged or fill material or proposes to discharge dredged or fill
37 material into the navigable waters of the United States within the
38 jurisdiction of this state shall file a report of the discharge in
39 compliance with the procedures set forth in Section 13260. Unless
40 required by the state board or a regional board, a report need not

1 be filed under this section for discharges that are not subject to the
2 permit application requirements of the Federal Water Pollution
3 Control Act, as amended. A person who proposes to discharge
4 pollutants or dredged or fill material or to operate a publicly owned
5 treatment works or other treatment works treating domestic sewage
6 shall file a report at least 180 days in advance of the date on which
7 it is desired to commence the discharge of pollutants or dredged
8 or fill material or the operation of the treatment works. A person
9 who owns or operates a publicly owned treatment works or other
10 treatment works treating domestic sewage, which treatment works
11 commenced operation before January 1, 1988, and does not
12 discharge to navigable waters of the United States, shall file a
13 report within 45 days of a written request by a regional board or
14 the state board, or within 45 days after the state has an approved
15 permit program for the use and disposal of sewage sludge,
16 whichever occurs earlier. The discharge of pollutants or dredged
17 or fill material or the operation of a publicly owned treatment
18 works or other treatment works treating domestic sewage by any
19 person, except as authorized by waste discharge requirements or
20 dredged or fill material permits, is prohibited. This prohibition
21 does not apply to discharges or operations for which a state or
22 federal permit is not required under the Federal Water Pollution
23 Control Act, as amended.

24 *SEC. 34. Section 13392 of the Water Code is amended to read:*

25 13392. The state board and the regional boards, in consultation
26 with the State Department of ~~Health Services~~ *Public Health* and
27 the Department of Fish and Game, shall develop and maintain a
28 comprehensive program to (1) identify and characterize toxic hot
29 spots, as defined in Section 13391.5, (2) plan for the cleanup or
30 other appropriate remedial or mitigating actions at the sites, and
31 (3) amend water quality control plans and policies to incorporate
32 strategies to prevent the creation of new toxic hot spots and the
33 further pollution of existing hot spots. As part of this program, the
34 state board and regional boards shall, to the extent feasible, identify
35 specific discharges or waste management practices ~~which~~ *that*
36 contribute to the creation of toxic hot spots, and shall develop
37 appropriate prevention strategies, including, but not limited to,
38 adoption of more stringent waste discharge requirements, onshore
39 remedial actions, adoption of regulations to control source

1 pollutants, and development of new programs to reduce urban and
2 agricultural runoff.

3 *SEC. 35. Section 13392.5 of the Water Code is amended to*
4 *read:*

5 13392.5. (a) Each regional board that has regulatory authority
6 for one or more enclosed bays or estuaries shall, on or before
7 January 30, 1994, develop for each enclosed bay or estuary, a
8 consolidated data base—~~which~~ *that* identifies and describes all
9 known and potential toxic hot spots. Each regional board shall, in
10 consultation with the state board, also develop an ongoing
11 monitoring and surveillance program that includes, but is not
12 limited to, the following components:

13 (1) Establishment of a monitoring and surveillance task force
14 that includes representation from agencies, including, but not
15 limited to, the State Department of ~~Health Services~~ *Public Health*
16 and the Department of Fish and Game, that routinely monitor water
17 quality, sediment, and aquatic life.

18 (2) Suggested guidelines to promote standardized analytical
19 methodologies and consistency in data reporting.

20 (3) Identification of additional monitoring and analyses that are
21 needed to develop a complete toxic hot spot assessment for each
22 enclosed bay and estuary.

23 (b) Each regional board shall make available to state and local
24 agencies and the public all information contained in the
25 consolidated data base, as well as the results of new monitoring
26 and surveillance data.

27 *SEC. 36. Section 13395.5 of the Water Code is amended to*
28 *read:*

29 13395.5. The state board may enter into contracts and other
30 agreements for the purpose of evaluating or demonstrating methods
31 for the removal, treatment, or stabilization of contaminated bottom
32 sediment. For the purpose of preparing health risk assessments
33 pursuant to Section 13393, the state board shall enter into contracts
34 or agreements with the State Department of ~~Health Services~~ *Public*
35 *Health*, or with other state or local agencies, subject to the approval
36 of the State Department of ~~Health Services~~ *Public Health*. The
37 costs incurred for work conducted by other state agencies,
38 including, but not limited to, the State Department of ~~Health~~
39 ~~Services~~ *Public Health* and the Department of Fish and Game,
40 pursuant to this chapter shall be reimbursed according to the terms

1 of an interagency agreement between the state board and the
2 agency.

3 *SEC. 37. Section 13396.7 of the Water Code is amended to*
4 *read:*

5 13396.7. (a) The state board, in consultation with the State
6 Department of ~~Health Services~~ *Public Health*, shall contract with
7 an independent contractor to conduct a study to determine the
8 adverse health effects of urban runoff on swimmers at urban
9 beaches. The contract shall include a provision that requires the
10 study to be conducted as prescribed in the study proposal approved
11 by the Santa Monica Bay Restoration Project. The study shall be
12 paid for by using available resources or state funds appropriated
13 in the annual Budget Act.

14 (b) It is the intent of the Legislature that the state board and the
15 State Department of ~~Health Services~~ *Public Health* use the results
16 of the study undertaken pursuant to subdivision (a) to establish
17 recreational water quality standards.

18 *SEC. 38. Section 13426 of the Water Code is amended to read:*

19 13426. The state board, subject to approval by the Director of
20 Finance, may agree to provide a guarantee pursuant to this article
21 for all or a specified part of the proposed local agency bond issue
22 upon making, after consultation with the State Department of
23 ~~Health Services~~ *Public Health*, all of the following determinations:

24 (a) The facilities proposed by an applicant are necessary to the
25 health or welfare of the inhabitants of the state and are consistent
26 with water quality control plans adopted by regional boards.

27 (b) The proposed facilities meet the needs of the applicant.

28 (c) The proposed bond issue and plan repayment are sound and
29 feasible.

30 (d) In the case of facilities proposed under paragraph (2) of
31 subdivision (c) of Section 13400, the facilities will produce
32 recycled water and the applicant has adopted a feasible program
33 for the use of the facilities. The state board may adopt criteria for
34 ranking and setting priorities among applicants for those
35 guarantees.

36 ~~SEC. 21.~~

37 *SEC. 39. Section 13442 of the Water Code is amended to read:*

38 13442. Upon application by a public agency with authority to
39 clean up a waste or abate the effects thereof, the state board may
40 order moneys to be paid from the account to the agency to assist

1 it in cleaning up the waste or abating its effects on waters of the
2 state. The agency shall not become liable to the state board for
3 repayment of those moneys, but this shall not be a defense to an
4 action brought pursuant to subdivision (c) of Section 13304 for
5 the recovery of moneys paid under this section.

6 *SEC. 40. Section 13521 of the Water Code is amended to read:*

7 13521. The State Department of ~~Health Services~~ *Public Health*
8 shall establish uniform statewide recycling criteria for each varying
9 type of use of recycled water where the use involves the protection
10 of public health.

11 *SEC. 41. Section 13522 of the Water Code is amended to read:*

12 13522. (a) Whenever the State Department of ~~Health Services~~
13 *Public Health* or any local health officer finds that a contamination
14 exists as a result of the use of recycled water, the department or
15 local health officer shall order the contamination abated in
16 accordance with the procedure provided for in Chapter 6
17 (commencing with Section 5400) of Part 3 of Division 5 of the
18 Health and Safety Code.

19 (b) The use of recycled water in accordance with the uniform
20 statewide recycling criteria established pursuant to Section 13521,
21 for the purpose of this section, does not cause, constitute, or
22 contribute to, any form of contamination, unless the department
23 or the regional board determines that contamination exists.

24 *SEC. 42. Section 13523 of the Water Code is amended to read:*

25 13523. (a) Each regional board, after consulting with and
26 receiving the recommendations of the State Department of ~~Health~~
27 ~~Services~~ *Public Health* and any party who has requested in writing
28 to be consulted, and after any necessary hearing, shall, if in the
29 judgment of the board, it is necessary to protect the public health,
30 safety, or welfare, prescribe water reclamation requirements for
31 water which is used or proposed to be used as ~~reclaimed~~ *recycled*
32 water.

33 (b) The requirements may be placed upon the person ~~reclaiming~~
34 *recycling* water, the user, or both. The requirements shall be
35 established in conformance with the uniform statewide ~~reclamation~~
36 *recycling* criteria established pursuant to Section 13521. The
37 regional board may require the submission of a preconstruction
38 report for the purpose of determining compliance with the uniform
39 statewide ~~reclamation~~ *recycling* criteria. The requirements for a
40 use of ~~reclaimed~~ *recycled* water not addressed by the uniform

1 statewide ~~reclamation~~ *recycling* criteria shall be considered on a
2 case-by-case basis.

3 *SEC. 43. Section 13523.1 of the Water Code is amended to*
4 *read:*

5 13523.1. (a) Each regional board, after consulting with, and
6 receiving the recommendations of, the State Department of ~~Health~~
7 ~~Services~~ *Public Health* and any party who has requested in writing
8 to be consulted, with the consent of the proposed permittee, and
9 after any necessary hearing, may, in lieu of issuing waste discharge
10 requirements pursuant to Section 13263 or water ~~reclamation~~
11 *recycling* requirements pursuant to Section 13523 for a user of
12 ~~reclaimed~~ *recycled* water, issue a master ~~reclamation~~ *recycling*
13 permit to a supplier or distributor, or both, of ~~reclaimed~~ *recycled*
14 water.

15 (b) A master ~~reclamation~~ *recycling* permit shall include, at least,
16 all of the following:

17 (1) Waste discharge requirements, adopted pursuant to Article
18 4 (commencing with Section 13260) of Chapter 4.

19 (2) A requirement that the permittee comply with the uniform
20 statewide ~~reclamation~~ *recycling* criteria established pursuant to
21 Section 13521. Permit conditions for a use of ~~reclaimed~~ *recycled*
22 water not addressed by the uniform statewide water ~~reclamation~~
23 *recycling* criteria shall be considered on a case-by-case basis.

24 (3) A requirement that the permittee establish and enforce rules
25 or regulations for ~~reclaimed~~ *recycled* water users, governing the
26 design and construction of ~~reclaimed~~ *recycled* water use facilities
27 and the use of ~~reclaimed~~ *recycled* water, in accordance with the
28 uniform statewide ~~reclamation~~ *recycling* criteria established
29 pursuant to Section 13521.

30 (4) A requirement that the permittee submit a quarterly report
31 summarizing ~~reclaimed~~ *recycled* water use, including the total
32 amount of ~~reclaimed~~ *recycled* water supplied, the total number of
33 ~~reclaimed~~ *recycled* water use sites, and the locations of those sites,
34 including the names of the hydrologic areas underlying the
35 ~~reclaimed~~ *recycled* water use sites.

36 (5) A requirement that the permittee conduct periodic inspections
37 of the facilities of the ~~reclaimed~~ *recycled* water users to monitor
38 compliance by the users with the uniform statewide ~~reclamation~~
39 *recycling* criteria established pursuant to Section 13521 and the
40 requirements of the master ~~reclamation~~ *recycling* permit.

1 (6) Any other requirements determined to be appropriate by the
2 regional board.

3 *SEC. 44. Section 13528 of the Water Code is amended to read:*

4 13528. ~~No provision of this~~ *This chapter shall not be construed*
5 *as affecting the existing powers of the State Department of Health*
6 ~~Services~~ *Public Health.*

7 *SEC. 45. Section 13540 of the Water Code is amended to read:*

8 13540. (a) ~~No~~ *A person shall not construct, maintain or use*
9 *any waste well extending to or into a subterranean water-bearing*
10 *stratum that is used or intended to be used as, or is suitable for, a*
11 *source of water supply for domestic purposes.*

12 (b) (1) Notwithstanding subdivision (a), when a regional board
13 finds that water quality considerations do not preclude controlled
14 recharge of the stratum by direct injection, and when the State
15 Department of ~~Health Services~~ *Public Health*, following a public
16 hearing, finds the proposed recharge will not degrade the quality
17 of water in the receiving aquifer as a source of water supply for
18 domestic purposes, recycled water may be injected by a well into
19 the stratum. The State Department of ~~Health Services~~ *Public Health*
20 may make and enforce any regulations pertaining to this
21 subdivision as it deems proper.

22 (2) ~~Nothing in this~~ *This section shall not be construed to do*
23 *either or both of the following:*

24 (A) Affect the authority of the state board or regional boards to
25 prescribe and enforce requirements for the discharge.

26 (B) Preempt the exercise by a water district of its existing
27 ordinance authority to impose or implement stricter standards for
28 protecting groundwater quality in the receiving aquifer.

29 (c) When the State Department of ~~Health Services~~ *Public Health*
30 makes the findings provided for in subdivision (b), the department
31 shall consider the state board's Statement of Policy with Respect
32 to Maintaining High Quality of Waters in California, as set forth
33 in Resolution 68-16, dated October 28, 1968, and shall also
34 consider current and potential future public health consequences
35 of the controlled recharge.

36 *SEC. 46. Section 13550 of the Water Code is amended to read:*

37 13550. (a) The Legislature hereby finds and declares that the
38 use of potable domestic water for nonpotable uses, including, but
39 not limited to, cemeteries, golf courses, parks, highway landscaped
40 areas, and industrial and irrigation uses, is a waste or an

1 unreasonable use of the water within the meaning of Section 2 of
2 Article X of the California Constitution if recycled water is
3 available—~~which~~ *that* meets all of the following conditions, as
4 determined by the state board, after notice to any person or entity
5 ~~who~~ *that* may be ordered to use recycled water or to cease using
6 potable water and a hearing held pursuant to Article 2 (commencing
7 with Section 648) of Chapter 1.5 of Division 3 of Title 23 of the
8 California Code of Regulations:

9 (1) The source of recycled water is of adequate quality for these
10 uses and is available for these uses. In determining adequate
11 quality, the state board shall consider all relevant factors, including,
12 but not limited to, food and employee safety, and level and types
13 of specific constituents in the recycled water affecting these uses,
14 on a user-by-user basis. In addition, the state board shall consider
15 the effect of the use of recycled water in lieu of potable water on
16 the generation of hazardous waste and on the quality of wastewater
17 discharges subject to regional, state, or federal permits.

18 (2) The recycled water may be furnished for these uses at a
19 reasonable cost to the user. In determining reasonable cost, the
20 state board shall consider all relevant factors, including, but not
21 limited to, the present and projected costs of supplying, delivering,
22 and treating potable domestic water for these uses and the present
23 and projected costs of supplying and delivering recycled water for
24 these uses, and shall find that the cost of supplying the treated
25 recycled water is comparable to, or less than, the cost of supplying
26 potable domestic water.

27 (3) After concurrence with the State Department of ~~Health~~
28 ~~Services~~ *Public Health*, the use of recycled water from the proposed
29 source ~~will~~ *shall* not be detrimental to public health.

30 (4) The use of recycled water for these uses ~~will~~ *shall* not
31 adversely affect downstream water rights, will not degrade water
32 quality, and is determined not to be injurious to plantlife, fish, and
33 wildlife.

34 (b) In making the determination pursuant to subdivision (a), the
35 state board shall consider the impact of the cost and quality of the
36 nonpotable water on each individual user.

37 (c) The state board may require a public agency or person
38 subject to this article to furnish information—~~which~~ *that* the state
39 board determines to be relevant to making the determination
40 required in subdivision (a).

1 *SEC. 47. Section 13552.4 of the Water Code is amended to*
2 *read:*

3 13552.4. (a) Any public agency, including a state agency, city,
4 county, city and county, district, or any other political subdivision
5 of the state, may require the use of recycled water for irrigation of
6 residential landscaping, if all of the following requirements are
7 met:

8 (1) Recycled water, for this use, is available to the user and
9 meets the requirements set forth in Section 13550, as determined
10 by the state board after notice and a hearing.

11 (2) The use of recycled water does not cause any loss or
12 diminution of any existing water right.

13 (3) The irrigation systems are constructed in accordance with
14 Chapter 3 (commencing with Section 60301) of Division 4 of Title
15 22 of the California Code Regulations.

16 (b) This section applies to both of the following:

17 (1) New subdivisions for which the building permit is issued
18 on or after March 15, 1994, or, if a building permit is not required,
19 new structures for which construction begins on or after March
20 15, 1994, for which the State Department of ~~Health Services~~ *Public*
21 *Health* has approved the use of recycled water.

22 (2) Any residence that is retrofitted to permit the use of recycled
23 water for landscape irrigation and for which the State Department
24 of ~~Health Services~~ *Public Health* has approved the use of recycled
25 water.

26 (c) (1) Division 13 (commencing with Section 21000) of the
27 Public Resources Code does not apply to any project ~~which that~~
28 only involves the repiping, redesign, or use of recycled water for
29 irrigation of residential landscaping necessary to comply with a
30 requirement prescribed by a public agency under subdivision (a).

31 (2) The exemption in paragraph (1) does not apply to any project
32 to develop recycled water, to construct conveyance facilities for
33 recycled water, or any other project not specified in this
34 subdivision.

35 ~~SEC. 22.~~

36 *SEC. 48. Section 13553 of the Water Code is amended to read:*

37 13553. (a) The Legislature hereby finds and declares that the
38 use of potable domestic water for toilet and urinal flushing in
39 structures is a waste or an unreasonable use of water within the
40 meaning of Section 2 of Article X of the California Constitution

1 if recycled water, for these uses, is available to the user and meets
2 the requirements set forth in Section 13550, as determined by the
3 state board after notice and a hearing.

4 (b) The state board may require a public agency or person
5 subject to this section to furnish any information that may be
6 relevant to making the determination required in subdivision (a).

7 (c) For purposes of this section and Section 13554, “structure”
8 or “structures” means commercial, retail, and office buildings,
9 theaters, auditoriums, condominium projects, schools, hotels,
10 apartments, barracks, dormitories, jails, prisons, and reformatories,
11 and other structures as determined by the State Department of
12 Public Health.

13 (d) Recycled water may be used in condominium projects, as
14 defined in Section 1351 of the Civil Code, subject to all of the
15 following conditions:

16 (1) Prior to the indoor use of recycled water in any condominium
17 project, the agency delivering the recycled water to the
18 condominium project shall file a report with, and receive written
19 approval of the report from, the State Department of Public Health.
20 The report shall be consistent with the provisions of Title 22 of
21 the California Code of Regulations generally applicable to
22 dual-plumbed structures and shall include all the following:

23 (A) That potable water service to each condominium project
24 will be provided with a backflow protection device approved by
25 the State Department of Public Health to protect the agency’s
26 public water system, as defined in Section 116275 of the Health
27 and Safety Code. The backflow protection device approved by the
28 State Department of Public Health shall be inspected and tested
29 annually by a person certified in the inspection of backflow
30 prevention devices.

31 (B) That any plumbing modifications in the condominium unit
32 or any physical alteration of the structure will be done in
33 compliance with state and local plumbing codes.

34 (C) That each condominium project will be tested by the
35 recycled water agency or the responsible local agency at least once
36 every four years to ensure that there are no indications of a possible
37 cross connection between the condominium’s potable and
38 nonpotable systems.

39 (D) That recycled water lines will be color coded consistent
40 with current statutes and regulations.

1 (2) The recycled water agency or the responsible local agency
2 shall maintain records of all tests and annual inspections conducted.

3 (3) The condominium's declaration, as defined in Section 1351
4 of the Civil Code, shall provide that the laws and regulations
5 governing recycled water apply, shall permit no exceptions to those
6 laws and regulations, shall incorporate the report described in
7 paragraph (1), and shall contain the following statement:

8
9 "NOTICE OF USE OF RECYCLED WATER

10
11 This property is approved by the State Department of Public
12 Health for the use of recycled water for toilet and urinal
13 flushing. This water is not potable, is not suitable for indoor
14 purposes other than toilet and urinal flushing purposes, and
15 requires dual plumbing. Alterations and modifications to the
16 plumbing system require a permit and are prohibited without
17 first consulting with the appropriate local building code
18 enforcement agency and your property management company
19 or homeowners' association to ensure that the recycled water
20 is not mixed with the drinking water."
21

22 (e) The State Department of Public Health may adopt regulations
23 as necessary to assist in the implementation of this section.

24 (f) This section shall only apply to condominium projects that
25 are created, within the meaning of Section 1352 of the Civil Code,
26 on or after January 1, 2008.

27 (g) Nothing in this section or Section 13554 applies to a pilot
28 program adopted pursuant to Section 13553.1.

29 *SEC. 49. Section 13576 of the Water Code is amended to read:*
30 13576. The Legislature hereby makes the following findings
31 and declarations:

32 (a) The State of California is subject to periodic drought
33 conditions.

34 (b) The development of traditional water resources in California
35 has not kept pace with the state's population, which is growing at
36 the rate of over 700,000 per year and which is anticipated to reach
37 36 million by the year 2010.

38 (c) There is a need for a reliable source of water for uses not
39 related to the supply of potable water to protect investments in
40 agriculture, greenbelts, and recreation and to replenish groundwater

1 basins, and protect and enhance fisheries, wildlife habitat, and
2 riparian areas.

3 (d) The environmental benefits of recycled water include a
4 reduced demand for water in the Sacramento-San Joaquin Delta
5 ~~which~~ *that* is otherwise needed to maintain water quality, reduced
6 discharge of waste into the ocean, and the enhancement of
7 groundwater basins, recreation, fisheries, and wetlands.

8 (e) The use of recycled water has proven to be safe from a public
9 health standpoint, and the State Department of ~~Health Services~~
10 *Public Health* is updating regulations for the use of recycled water.

11 (f) The use of recycled water is a cost-effective, reliable method
12 of helping to meet California's water supply needs.

13 (g) The development of the infrastructure to distribute recycled
14 water will provide jobs and enhance the economy of the state.

15 (h) Retail water suppliers and recycled water producers and
16 wholesalers should promote the substitution of recycled water for
17 potable water and imported water in order to maximize the
18 appropriate cost-effective use of recycled water in California.

19 (i) Recycled water producers, retail water suppliers, and entities
20 responsible for groundwater replenishment should cooperate in
21 joint technical, economic, and environmental studies, as
22 appropriate, to determine the feasibility of providing recycled
23 water service.

24 (j) Retail water suppliers and recycled water producers and
25 wholesalers should be encouraged to enter into contracts to
26 facilitate the service of recycled and potable water by the retail
27 water suppliers in their service areas in the most efficient and
28 cost-effective manner.

29 (k) Recycled water producers and wholesalers and entities
30 responsible for groundwater replenishment should be encouraged
31 to enter into contracts to facilitate the use of recycled water for
32 groundwater replenishment if recycled water is available and the
33 authorities having jurisdiction approve its use.

34 (l) Wholesale prices set by recycled water producers and
35 recycled water wholesalers, and rates that retail water suppliers
36 are authorized to charge for recycled water, should reflect an
37 equitable sharing of the costs and benefits associated with the
38 development and use of recycled water.

39 *SEC. 50. Section 13578 of the Water Code is amended to read:*

1 13578. (a) In order to achieve the statewide goal for recycled
2 water use established in Section 13577 and to implement the
3 Governor's Advisory Drought Planning Panel Critical Water
4 Shortage Contingency Plan recommendations, Section F2, as
5 submitted December 29, 2000, the department shall identify and
6 report to the Legislature on opportunities for increasing the use of
7 recycled water, as defined in paragraph (3) of subdivision (b) of
8 Section 13575, and identify constraints and impediments, including
9 the level of state financial assistance available for project
10 construction, to increasing the use of recycled water.

11 (b) The department shall convene a task force, to be known as
12 the 2002 Recycled Water Task Force, to advise the department in
13 implementation of subdivision (a), including making
14 recommendations to the Legislature regarding the following:

15 (1) How to further the use of recycled water in industrial and
16 commercial applications, including, but not limited to, those
17 applications set forth in Section 13552.8. The task force shall
18 evaluate the current regulatory framework of state and local rules,
19 regulations, ordinances, and permits to identify the obstacles and
20 disincentives to industrial and commercial reuse. Issues to be
21 investigated include, but are not limited to, applicability of visual
22 inspections instead of pressure tests for cross-connections between
23 potable and nonpotable water systems, dual piping trenching
24 restrictions, fire suppression system design, and backflow
25 protections.

26 (2) Changes in the Uniform Plumbing Code, published by the
27 International Association of Plumbing and Mechanical Officials,
28 that are appropriate to facilitate the use of recycled water in
29 industrial and commercial settings. The department shall make
30 recommendations to the California Building Standards Commission
31 with regard to suggested revisions to the California Plumbing Code
32 necessary to incorporate the changes identified by the task force.

33 (3) Changes in state statutes or the current regulatory framework
34 of state and local rules, regulations, ordinances, and permits
35 appropriate to increase the use of recycled water for commercial
36 laundries and toilet and urinal flushing in structures including, but
37 not limited to, those defined in subdivision (c) of Section 13553.
38 The department shall identify financial incentives to help offset
39 the cost of retrofitting privately and publicly owned structures.

(4) The need to reconvene the California Potable Reuse Committee established by the department in 1993 or convene a successor committee to update the committee's finding that planned indirect potable reuse of recycled water by augmentation of surface water supplies would not adversely affect drinking water quality if certain conditions were met.

(5) The need to augment state water supplies using water use efficiency strategies identified in the CALFED Bay-Delta Program. In its report pursuant to subdivision (a), the department shall identify ways to coordinate with CALFED to assist local communities in educating the public with regard to the statewide water supply benefits of local recycling projects and the level of public health protection ensured by compliance with the uniform statewide water recycling criteria developed by the State Department of ~~Health Services~~ *Public Health* in accordance with Section 13521.

(6) Impediments or constraints, other than water rights, related to increasing the use of recycled water in applications for agricultural, environmental, or irrigation uses, as determined by the department.

(c) (1) The task force shall be convened by the department and be comprised of one representative from each of the following state agencies:

(A) The department.

(B) The State Department of ~~Health Services~~ *Public Health*.

(C) The state board.

(D) The California Environmental Protection Agency.

(E) The CALFED Bay-Delta Program.

(F) The Department of Food and Agriculture.

(G) The *California* Building Standards Commission.

(H) The University of California.

(I) The *Natural* Resources Agency.

(2) The task force shall also include one representative from a recognized environmental advocacy group and one representative from a consumer advocacy group, as determined by the department, and one representative of local agency health officers, one representative of urban water wholesalers, one representative from a groundwater management entity, one representative of water districts, one representative from a nonprofit association of public and private members created to further the use of recycled water,

1 one representative of commercial real estate, one representative
2 of land development, one representative of industrial interests, and
3 at least two representatives from each of the following as defined
4 in Section 13575:

5 (A) Recycled water producer.

6 (B) Recycled water wholesaler.

7 (C) Retail water supplier.

8 (d) The department and the task force shall report to the
9 Legislature not later than July 1, 2003.

10 (e) The department shall carry out the duties of this section only
11 to the extent that funds pursuant to Section 79145, enacted as part
12 of the Safe Drinking Water, Clean Water, Watershed Protection,
13 and Flood Protection Act (Division 26 (commencing with Section
14 79000)), are made available for the purposes of this section.

15 *SEC. 51. Section 13580.9 of the Water Code is amended to*
16 *read:*

17 13580.9. (a) Notwithstanding any other ~~provision of law~~, and
18 except as otherwise previously provided for in a contract agreed
19 to by the customer and the City of West Covina, if the purchaser,
20 contractor, or lessee of, or successor to, all or a portion of the water
21 utility owned by the City of West Covina is a retail water supplier
22 that is regulated by the Public Utilities Commission, rates for
23 recycled or nonpotable water service to a closed hazardous waste
24 and solid waste facility located within the boundaries of the City
25 of West Covina for the purposes of irrigation, recreation, or dust
26 suppression or any other use at that facility shall be established in
27 accordance with subdivisions (a) to (e), inclusive, of Section
28 13580.7, and if there is a failure to agree on the terms and
29 conditions of a recycled or nonpotable water supply agreement for
30 the delivery of water for those purposes by that purchaser,
31 contractor, lessee, or successor, Section 13581 shall apply.

32 (b) For the purpose of this section, nonpotable water that is not
33 the result of the treatment of waste shall be treated as the equivalent
34 of recycled water if it is suitable for a direct beneficial use or a
35 controlled use that would not otherwise occur and is therefor
36 considered a valuable resource, if the use of that water will not
37 adversely affect downstream water rights, degrade water quality,
38 or be injurious to plant life, fish, or wildlife, as provided by statute
39 or by regulations of the State Department of ~~Health Services~~ *Public*
40 *Health* and the state board or a regional board, as appropriate.

1 ~~SEC. 23.~~

2 *SEC. 52.* Section 13627 of the Water Code is amended to read:

3 13627. (a) Supervisors and operators of those wastewater
4 treatment plants described in paragraph (1) or (2) of subdivision
5 (b) of Section 13625 shall possess a certificate of appropriate grade.
6 Subject to the approval of regulations by the state board,
7 supervisors and operators of those wastewater treatment plants
8 described in paragraph (3) of subdivision (b) of Section 13625
9 shall possess certificates of the appropriate grade. All certificates
10 shall be issued in accordance with, and to the extent recommended
11 by the advisory committee and required by, regulations adopted
12 by the state board. The state board shall develop and specify in its
13 regulations the training necessary to qualify a supervisor or
14 operator for certification for each type and class of plant. The state
15 board may accept experience in lieu of qualification training. For
16 supervisors and operators of water recycling treatment plants, the
17 state board may approve use of a water treatment plant operator
18 of appropriate grade certified by the State Department of Public
19 Health pursuant to Article 3 (commencing with Section 106875)
20 of Chapter 4 of Part 1 of Division 104 of the Health and Safety
21 Code in lieu of a wastewater treatment plant operator certified by
22 the state board, provided that the state board may refuse to approve
23 use of an operator certified by the department or may suspend or
24 revoke its approval of the use of an operator certified by the
25 department if the operator commits any of the prohibited acts
26 described in Article 7 (commencing with Section 3710) of Chapter
27 26 of Division 3 of Title 23 of the California Code of Regulations.

28 (b) The regional water quality control board, with jurisdiction
29 for issuing and ensuring compliance with applicable water
30 reclamation or waste discharge requirements, shall notify the
31 department in writing if, pursuant to an inspection conducted under
32 Section 13267, the regional board makes a determination that there
33 are reasonable grounds for not issuing, or for suspending or
34 revoking, the certificate of a certified water treatment plant operator
35 who is operating or supervising the operation of a water recycling
36 treatment plant. The department shall make its determination
37 regarding the issuance, suspension, or revocation of a certificate
38 in accordance with Section 106876 of the Health and Safety Code.

39 (c) For purposes of this section, “water recycling treatment
40 plant” means a treatment plant that receives and further treats

1 secondary or tertiary effluent, or both, from a wastewater treatment
2 plant.

3 (d) A person employed as a wastewater treatment plant
4 supervisor or operator on the effective date of regulations adopted
5 pursuant to this chapter shall be issued an appropriate certificate
6 if the person meets the training, education, and experience
7 requirements prescribed by regulations.

8 (e) The state board may refuse to grant, suspend, or revoke any
9 certificate issued by the state board to operate a wastewater
10 treatment plant, or may place on probation, or reprimand, the
11 certificate holder upon any reasonable ground, including, but not
12 limited to, all of the following reasons:

13 (1) Submitting false or misleading information on an application
14 for a certificate.

15 (2) The employment of fraud or deception in the course of
16 operating the wastewater treatment plant.

17 (3) A certificate holder's failure to use reasonable care or
18 judgment in the operation of the plant.

19 (4) A certificate holder's inability to perform operating duties
20 properly.

21 (5) Willfully or negligently violating, or causing, or allowing
22 the violation of, waste discharge requirements or permits issued
23 pursuant to the Federal Water Pollution Control Act (33 U.S.C.
24 Sec. 1251 et seq.).

25 (f) The state board shall conduct all proceedings for the refusal
26 to grant a certificate, and suspension or revocation of a certificate,
27 pursuant to subdivision (e), in accordance with the rules adopted
28 pursuant to Section 185.

29 ~~SEC. 24.~~

30 *SEC. 53.* Section 13627.4 of the Water Code is amended to
31 read:

32 13627.4. (a) The state board may administratively impose the
33 civil liability described in Section 13627.1, 13627.2, or 13627.3
34 in accordance with Article 2.5 (commencing with Section 13323)
35 of Chapter 5.

36 (b) A remedy under this chapter is in addition to, and does not
37 supersede or limit, any other remedy, civil or criminal, except that
38 liability is not recoverable against an operator under subdivision
39 (c) of Section 13627.1 for a violation for which liability is
40 recovered against the operator under Section 13350 or 13385.

1 *SEC. 54. Section 13755 of the Water Code is amended to read:*

2 13755. Nothing in this chapter shall affect the powers and
3 duties of the State Department of ~~Health Services~~ *Public Health*
4 with respect to water and water systems pursuant to Chapter 4
5 (commencing with Section ~~116275~~ *116270*) of Part 12 of Division
6 104 of the Health and Safety Code. Every person shall comply
7 with this chapter and any regulation adopted pursuant thereto, in
8 addition to standards adopted by any city or county.

9 *SEC. 55. Section 13800 of the Water Code is amended to read:*

10 13800. The department, after ~~such~~ *the* studies and investigations
11 pursuant to Section 231 as it finds necessary, on determining that
12 water well, cathodic protection well, and monitoring well
13 construction, maintenance, abandonment, and destruction standards
14 are needed in an area to protect the quality of water used or which
15 may be used for any beneficial use, shall so report to the
16 appropriate regional water quality control board and to the State
17 Department of ~~Health Services~~ *Public Health*. The report shall
18 contain ~~such~~ *the* recommended standards for water well ~~and~~,
19 cathodic protection well, and monitoring well construction,
20 maintenance, abandonment, and destruction as, in the department's
21 opinion, are necessary to protect the quality of any affected water.

22 *SEC. 56. Section 13801 of the Water Code is amended to read:*

23 13801. (a) The regional board, upon receipt of a report from
24 the department pursuant to Section 13800, shall hold a public
25 hearing on the need to establish well standards for the area
26 involved. The regional board may hold a public hearing with
27 respect to any area regardless of whether a report has been received
28 from the department if it has information that standards may be
29 needed.

30 (b) Notwithstanding subdivision (a), the state board shall, not
31 later than September 1, 1989, adopt a model water well, cathodic
32 protection well, and monitoring well drilling and abandonment
33 ordinance implementing the standards for water well construction,
34 maintenance, and abandonment contained in Bulletin 74-81 of the
35 department. If the model ordinance is not adopted by this date, the
36 state board shall report to the Legislature as to the reasons for the
37 delay. The state board shall circulate the model ordinances to all
38 cities and ~~counties~~ *counties*.

39 (c) Notwithstanding any other ~~provision of~~ law, each county,
40 city, or water agency, where appropriate, shall, not later than

January 15, 1990, adopt a water well, cathodic protection well, and monitoring well drilling and abandonment ordinance that meets or exceeds the standards contained in Bulletin 74-81. Where a water agency ~~which~~ *that* has permit authority over well drilling within the agency adopts a water well, cathodic protection well, and monitoring well drilling and abandonment ordinance that meets or exceeds the standards contained in Bulletin 74-81, a county or city shall not be required to adopt an ordinance for the same area.

(d) If a county, city, or water agency, where appropriate, fails to adopt an ordinance establishing water well, cathodic protection well, and monitoring well drilling and abandonment standards, the model ordinance adopted by the state board pursuant to subdivision (b) shall take effect on February 15, 1990, and shall be enforced by the county or city and have the same force and effect as if adopted as a county or city ordinance.

(e) The minimum standards recommended by the department and adopted by the state board or local agencies for the construction, maintenance, abandonment, or destruction of monitoring wells or class 1 hazardous injection wells shall not be construed to limit, abridge, or supersede the powers or duties of the State Department of ~~Health Services~~ *Public Health* in their application of standards to the construction, maintenance, abandonment, or destruction of monitoring wells or class 1 hazardous injection wells at facilities ~~which~~ *that* treat, store, or dispose of hazardous waste or at any site where the State Department of ~~Health Services~~ *Public Health* is the lead agency responsible for investigation and remedial action at that site, as long as the standards used by the State Department of ~~Health Services~~ *Public Health* meet or exceed those in effect by any city, county, or water agency where appropriate, responsible for developing ordinances for the area in question.

SEC. 57. Section 13903 of the Water Code is amended to read:

13903. Each regional board shall notify each affected city or county, the State Department of ~~Health Services~~ *Public Health* and the State Department of Boating and Waterways of areas of inadequate regulation by ordinance of discharges of waste from houseboats and shall recommend provisions necessary to control the discharges of waste from houseboats into the waters.

SEC. 58. Section 13904 of the Water Code is amended to read:

1 13904. Each ~~such~~ affected city or county shall within 120 days
2 of receipt of the notice from the regional board, adopt an ordinance
3 for control of discharges of waste from houseboats within the area
4 for which notice was given by the board. A copy of ~~such the~~
5 ordinance shall be sent to the regional board on its adoption and
6 the regional board shall transmit ~~such the~~ ordinance to the state
7 board, the State Department of ~~Health Services~~ *Public Health* and
8 the ~~State~~ Department of Boating and Waterways.

9 *SEC. 59. Section 13952.1 of the Water Code is amended to*
10 *read:*

11 13952.1. (a) Notwithstanding Section 13951, the South Tahoe
12 Public Utility District may provide recycled water only to prevent
13 the destruction of its Luther Pass recycled water pump station from
14 a catastrophic fire if all of the following conditions are met:

15 (1) The district submits an engineering report to the Lahontan
16 Regional Board and the State Department of ~~Health Services~~ *Public*
17 *Health*, as required by that regional board and that department.

18 (2) The Lahontan Regional Board, the State Department of
19 ~~Health Services~~ *Public Health*, and the Tahoe Regional Planning
20 Agency authorize the use of recycled water, and the specified area
21 or areas in the immediate vicinity of the pump station where that
22 recycled water may be used, only to prevent the destruction of the
23 district's Luther Pass recycled water pump station from a
24 catastrophic fire.

25 (3) The fire incident commander authorizes the use of the
26 recycled water to prevent the destruction of the district's Luther
27 Pass recycled water pump station from a catastrophic fire, as
28 authorized pursuant to this section.

29 (b) For purposes of this section, "catastrophic fire" means a
30 condition exists that will result in severe harm to life, property,
31 and the environment if the use of recycled water as authorized
32 pursuant to this section is not used, and all other methods to
33 extinguish the fire have been exhausted.

34 ~~SEC. 25.~~

35 *SEC. 60.* Pursuant to Section 13201 of the Water Code, the
36 Governor appoints, and the Legislature confirms, members to the
37 California regional water quality control boards. These members
38 serve staggered four-year terms in conformance with Section 13202
39 of the Water Code and the legislation establishing the various
40 positions on the California regional water quality control boards.

1 As a result of the enactment of Chapter 1299 of the Statutes of
2 1959, two of the positions on each California regional water quality
3 control board have an expiration date of September 17, 2014. The
4 other positions on each California regional water quality control
5 board have a September 30 expiration date in the various years in
6 which they expire. For consistency and efficiency, the Legislature
7 hereby extends to September 30, 2014, the terms of the two
8 positions on each California regional water quality control board
9 that would otherwise expire on September 17, 2014.

O